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8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2009-13

13 FARRAH SUZZANNE GUAYDACAN,
a.k.a. FARRAH GUAYDACAN,
14 a.k.a. FARRAH LEWIS
3368 East Hampton Way
15 Fresno, CA 93726

A C C U S A T I O N

16 Registered Nurse License No. 590398

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 2. On or about October 29, 2001, the Board issued Registered Nurse License
25 Number 590398 to Farrah Suzanne Guaydacan, also known as Farrah Guaydacan and Farrah
26 Lewis ("Respondent"). Respondent's registered nurse license was in full force and effect at all
27 times relevant to the charges brought herein and expires on August 31, 2009.

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1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self-administration of any of the substances described in
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of
4 a record pertaining to, the substances described in subdivision (a) of this section,
5 in which event the record of the conviction is conclusive evidence thereof . . .

6 7. Code section 2765 states:

7 A plea or verdict of guilty or a conviction following a plea of nolo
8 contendere made to a charge substantially related to the qualifications, functions
9 and duties of a registered nurse is deemed to be a conviction within the meaning
10 of this article. The board may order the license or certificate suspended or revoked,
11 or may decline to issue a license or certificate, when the time for appeal has elapsed,
12 or the judgment of conviction has been affirmed on appeal or when an order
13 granting probation is made suspending the imposition of sentence, irrespective of
14 a subsequent order under the provisions of Section 1203.4 of the Penal Code
15 allowing such person to withdraw his or her plea of guilty and to enter a plea of
16 not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
17 information or indictment.

18 8. Health and Safety Code section 11170 states that no person shall prescribe,
19 administer, or furnish a controlled substance for himself.

20 9. California Code of Regulations, title 16, section 1444 states, in pertinent
21 part:

22 A conviction or act shall be considered to be substantially related to the
23 qualifications, functions or duties of a registered nurse if to a substantial
24 degree it evidences the present or potential unfitness of a registered nurse to
25 practice in a manner consistent with the public health, safety, or welfare . . .

26 COST RECOVERY

27 10. Code section 125.3 provides, in pertinent part, that the Board may request
28 the administrative law judge to direct a licentiate found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case.

29 CONTROLLED SUBSTANCES AT ISSUE

30 11. "Vicodin", a combination drug containing 5 mg hydrocodone bitartrate,
31 also known as dihydrocodeinone, and 500 mg acetaminophen per tablet, is a Schedule III
32 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

33 12. "Darvocet", a brand of propoxyphene napsylate, is a Schedule IV
34 controlled substance as designated by Health and Safety Code section 11057, subdivision (c)(2).

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Convictions)**

3 13. Respondent is subject to disciplinary action pursuant to Code section
4 2761, subdivision (f), in that she was convicted of crimes which are substantially related to the
5 qualifications, functions, and duties of a registered nurse, as follows:

6 a. On or about July 31, 2001, in the criminal proceeding titled *People v.*
7 *Farrah Suzzane Guaydacan* (Super. Ct. Fresno County, 2001, Case No. T01903655-9),
8 Respondent was convicted by the court on her plea of no contest to violating Vehicle Code
9 section 23103, subdivision (a) (reckless driving, a misdemeanor). Respondent was originally
10 charged with violating Vehicle Code sections 23152, subdivision (a) (driving under the influence
11 of alcohol or a drug or under their combined influence), and 23152, subdivision (b) (driving
12 while having 0.08 percent or more, by weight, of alcohol in her blood), but those charges were
13 dismissed in view of Respondent's plea, as set forth above.

14 b. On or about March 9, 2005, in the criminal proceeding titled *People v.*
15 *Farrah Suzzane Guaydacan* (Super. Ct. Fresno County, 2005, Case No. T04908770-1),
16 Respondent was convicted by the court on her plea of no contest to violating Vehicle Code
17 sections 23152, subdivision (b) (driving with a .20% or higher blood alcohol level, a
18 misdemeanor), and 20002, subdivision (a) (hit and run driving, a misdemeanor). The
19 circumstances of the crimes are as follows: On or about September 29, 2004, after consuming
20 beer and hard liquor, Respondent ran a red light at the intersection of East Dakota Avenue and
21 North Fresno Street in the City of Fresno and broadsided another vehicle, resulting in moderate
22 damage to the victim's vehicle. Respondent failed to stop her vehicle at the scene of the accident
23 and inform the victim or a law enforcement agency of her involvement in the collision, which
24 had resulted in property damage to the victim's vehicle, as required by law. Respondent
25 attempted to report to the Fresno Police Department that her vehicle had been stolen. When
26 Respondent was later apprehended and arrested by the Fresno Police Department, she admitted
27 that she had an open container of beer between her legs while driving the vehicle, that she fled
28 the accident scene because of her prior conviction, as set forth in subparagraph (a) above, and

1 that she had four passengers in her vehicle, including her son and another small juvenile.

2 Respondent's blood alcohol level was determined to be .20 percent.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Self-Administration of Controlled Substances)**

5 14. Respondent is subject to disciplinary action pursuant to Code section
6 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
7 2762, subdivision (a), in that Respondent self-administered unknown quantities of the controlled
8 substances Vicodin and/or Darvocet without lawful authority therefor, as set forth in
9 subparagraph 15 (b) below.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Use of Alcoholic Beverages and Controlled Substances to an Extent
12 or in a Manner Dangerous or Injurious to Oneself or Others)**

13 15. Respondent is subject to disciplinary action pursuant to Code section
14 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
15 2762, subdivision (b), in that Respondent used the controlled substances Vicodin and Darvocet
16 and consumed alcoholic beverages to an extent or in a manner dangerous or injurious to herself
17 and others, and to the extent that such use impaired her ability to conduct her nursing duties
18 safely, as follows:

19 a. On or about August 26, 2004, while employed as a registered nurse in the
20 dialysis unit at Fresno Community Medical Center, Fresno, California, Respondent reported to
21 work at approximately 7:30 a.m. while under the influence of alcohol (Respondent began
22 drinking excessively on August 23, 2004, and drank "all night long" for three consecutive
23 nights). Medical center staff reported that Respondent smelled of alcohol and her eyes were
24 bloodshot, and found Respondent to be intoxicated while on duty. Respondent agreed to submit
25 to blood and urine drug screens, which were performed at approximately 11:15 a.m. Respondent
26 tested positive for opiates and alcohol and her blood alcohol level was determined to be 0.107
27 percent. Respondent admitted to medical center staff that she had been drinking alcohol and had
28 taken Vicodin.

1 b. In approximately 2001, Respondent broke her collarbone and was
2 prescribed Vicodin. Respondent became addicted to Vicodin and began borrowing and buying
3 the medication from her family, friends, and others. Respondent eventually began buying
4 Darvocet and consuming increasing amounts of alcohol. At one point, Respondent was taking
5 6 to 7 tablets of Vicodin at a time and used or was under the influence of the medication while
6 employed and on duty as a registered nurse. Respondent eventually began consuming 18 cans of
7 beer and using 40 tablets of Vicodin per day.

8 c. On or about September 29, 2004, Respondent consumed alcoholic
9 beverages to an extent or in a manner dangerous or injurious to herself and others, as set forth in
10 subparagraph 13 (b) above.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Conviction Related to the Consumption of Alcoholic Beverages)**

13 16. Respondent is subject to disciplinary action pursuant to Code section
14 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
15 2762, subdivision (c), in that on or about March 9, 2005, Respondent was convicted of a criminal
16 offense involving the consumption of alcoholic beverages, as set forth in subparagraph 13 (b)
17 above.

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19 **FIFTH CAUSE OF ACTION FOR DISCIPLINE**

20 **(Criminal Conviction)**

21 17. The Respondent is subject to discipline pursuant to Code section 2761 (f) in
22 that she was convicted of crimes which are substantially related to the qualifications, functions, and
23 duties of a registered nurse, as follows:

24 a. On or about August 31, 2007 Respondent was charged with a felony in the
25 case of People v. Farrah Suzanne Lewis in Fresno County Superior Court Case # F07906818.
26 Specifically, Respondent was charged with violating Penal Code Sections 459/460(b), Second
27 Degree Burglary and Section 12022.1, Commission of a Crime While on Bail.

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1 b. The underlying are that on or about August 28, 2007 the Respondent entered
2 a retail business, Gottschalk's, with the intent to take property without paying. Specifically, the
3 Respondent entered the store with a large empty purse and thereafter took property with a value in
4 excess of \$200.00 to then take the property and sell it. At the time these events occurred,
5 Respondent had been released on own recognizance bail for two separate incidents. Conditions of
6 the release included she was to obey all laws.

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8 c. On or about 2/5/08 the Respondent pled no contest to a Penal Codes Sections
9 459/460(b) reduced to a misdemeanor. The Respondent was sentenced to one year in jail, suspended
10 and place on 2 years probation conditioned on no further criminal violations for one year, restitution
11 and \$375.00 fine.

12 13 **DISCIPLINE CONSIDERATIONS**

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15 18. To determine the degree of discipline, if any, to be imposed on the Respondent,
16 Complainant alleges that:

17 a. On or about December 9, 2006 Respondent was arrested at a Target store and
18 charged in the case of People v. Guaydacan , Fresno County Superior Court No. M07911406
19 with a violation of Penal Code 594(a), vandalism.

20 b. On or about September 24, 2007, the Respondent was arrested at a Save Mart
21 store and charged in the case of People v. Guaydacan Fresno Superior Court No M7911406 with a
22 violation of Penal Code Section 484(A), shoplifting.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

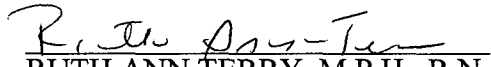
26 1. Revoking or suspending Registered Nurse License Number 590398, issued
27 to Farrah Suzzanne Guaydacan, also known as Farrah Guaydacan and Farrah Lewis;

28 2. Ordering Farrah Suzzanne Guaydacan, also known as Farrah Guaydacan and

1 Farrah Lewis, to pay the Board of Registered Nursing the reasonable costs of the investigation and
2 enforcement of this case, pursuant to Business and Professions Code section 125.3;

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4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: 7/15/08

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8 
RUTH ANN TERRY, M.P.H., R.N.
9 Executive Officer
10 Board of Registered Nursing
11 Department of Consumer Affairs
12 State of California

13 Complainant

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